

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIX APONTE,

Plaintiff,

v.

ADA PEREZ, *et al.*,

Defendants.

No. 14-CV-3989 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

On April 20, 2020, the Court partially granted Defendants' Motion for Summary Judgment. (Dkt. No. 128.) The Court instructed Plaintiff to respond within 30 days of the issuance of that Opinion & Order articulating whether and why Plaintiff is entitled to more than \$1 in nominal damages to compensate for any harm that occurred to him during a period of unconstitutional detainment. (*See id.*) The Opinion & Order was mailed to Plaintiff's address on the docket. (*See* Dkt. (entry for April 23, 2020).) Plaintiff has not provided any submission with such an explanation.

Accordingly, it is hereby:

ORDERED that the Clerk of Court enter judgment of nominal damages of \$1 to Plaintiff for his detainment between June 6 and June 20, 2008;¹

ORDERED that the Clerk of Court mail a copy of this Order to Plaintiff; and

¹ *See Davis v. N.Y. State Div. of Parole*, No. 07-CV-5544, 2008 WL 3891524, at *10 n.33 (S.D.N.Y. Aug. 20, 2008) (explaining that "damages based on the abstract value or importance of constitutional rights are not a permissible element of compensatory damages in § 1983 cases, and nominal damages, and not damages based on some undefinable value of infringed rights, are the appropriate means of vindicating rights whose deprivation has not caused actual, provable injury" (brackets and quotation marks omitted) (citing *Memphis Cmty. Sch. Dist. v. Stachura*, 477 U.S. 299, 308, n.11, 310 (1986)))

ORDERED that the Clerk of Court close this case.

SO ORDERED.

DATED: May 27, 2020
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written above a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE